

HOUSE BILL 1712
By Hargett

AN ACT to amend Tennessee Code Annotated, Title 2, relative to posting political campaign statements on certain Internet websites.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 2, Chapter 1, is amended by adding Sections 2 through 8 of this act as a new part.

SECTION 2. As used in this act, the terms "candidate", "election", and "local public office" have the same meaning as these terms are defined in Title 2, Chapter 10, Part 1.

SECTION 3.

(a) Any candidate for local public office in the state of Tennessee may post a statement not exceeding five hundred (500) words by the candidate concerning his or her candidacy on the election page of the secretary of state's website and, if the county election commission in the county in which an election for that candidate will be held maintains a website, on the website of each such county election commission.

(b) To cover its expenses for the duties imposed on the state election commission relative to the posting of such statements, the state election commission is authorized to charge the candidate a fee not to exceed five hundred dollars (\$500).

SECTION 4. Any such statement must be submitted to the state election commission, or county election commission, if applicable, for posting no sooner than one hundred twenty (120) days prior to the election and not later than seventy-five (75) days prior to the election. A copy of the statement submitted to the state election commission or county election commission shall be sent by the candidate by certified mail, return receipt requested, to all other candidates qualifying for the office being sought to the address that each such candidate provided to the election commission on the qualifying petition. When the candidate submits such statement to the state election commission, the candidate shall also identify each local election commission to which the candidate has submitted or plans to submit a statement for posting on the local election commission website. The candidate's statement may be posted only on those local election commission websites so identified.

SECTION 5. (a) The statement by a candidate may not mention by name any other person running for the office being sought by such candidate and may not refer directly to any other candidate's position on an issue or issues. Such statements or references are hereafter referred to as a "negative statement".

(b) A statement by a candidate may contain a link to another website maintained by the candidate.

SECTION 6. Any other candidate running for the office for which a statement has been provided and posted may petition the state election commission for a determination that a candidate's statement includes a negative statement. The petition shall be filed on a form provided by the state election commission and shall identify each alleged negative statement. Such petition must be filed within seven (7) business days of the date the statement was received by the petitioning candidate or the 70th day prior to the election, whichever period first occurs.

SECTION 7. (a) Not later than the 60th day prior to the election, the state election commission shall determine whether the candidate's statement contains a negative statement

or post the statement on its website. If the commission determines that the candidate's statement contains a negative statement, the commission shall send a notice of determination to the petitioner and candidate, which shall identify each negative statement. In addition, the state election commission shall immediately forward a copy of the notice of determination to each local election commission identified by the candidate pursuant to Section 4.

(b) A candidate may, not later than the 50th day prior to the election, resubmit the statement to the state election commission for posting on its website so long as, in the discretion of the state election commission, it does not contain a negative statement identified in the notice of determination or any other negative statement. Such a determination shall be made not later than the 45th day prior to the election, at which time the state election commission shall either post the statement or mail a notice to the candidate advising the candidate that the statement shall not be posted. If the resubmitted statement is not rejected by the state election commission and is posted on the state election commission website, it is the responsibility of the candidate to notify the appropriate local election commission that the candidate's statement has been posted on the state election commission website and resubmit the statement to the local election commission which shall post the statement on its website within five (5) business days of receiving such information.

SECTION 8. Notwithstanding the foregoing, all decisions of the state election commission on whether a candidate's statement is eligible for posting on its website or on the website of a local election commission under the provisions of this act shall be made no later than forty-five (45) days prior to the election. No statements may be submitted or resubmitted under the provisions of this act nor shall any petitions be filed with regard to any such statements following such date.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.